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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,203	01/12/2001	Kazuaki Kinjyou	Q62634	8552

7590 07/05/2002

SUGHRUE, MION, ZINN,  
MACPEAK & SEAS, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20037-3213

EXAMINER

WILLIAMS, KEVIN D

ART UNIT PAPER NUMBER

2854

DATE MAILED: 07/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/758,203

Applicant(s)

KINJYOU, KAZUAKI

Examiner

Kevin D. Williams

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

1. Figures 2, 3a, 3b, 4a, 4b, 4c, 4d, 4e, 5a, 5b, 6, 7a, 7b, and 7c should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1-5 are objected to because of the following informalities:

Claim 1 recites the limitation "the medium fixing member" bridging lines 2 and 3. There appears to be insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the tip" in line 3. There appears to be insufficient antecedent basis for this limitation in the claim. It appears that the "tip" referred to in claim 2 is not the "tip" recited in claim 1.

Claim 3 recites the limitation "the toner sheet" in line 1. There appears to be insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, applicant recites the language "chambered." It appears that applicant intended to recite --chamfered--.

While applicant may be his or her own lexicographer, a term in a claim may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). The term "chamfered" in claims 1-7 is used by the claim to mean "rounded," while the accepted meaning is "beveled." Since it is apparent that the term that applicant intended to claim is --rounded--, the application has been examined as so.

In claim 2, it is unclear what the "upper face" is intended to refer to.

In claim 7, it is unclear whether applicant is seeking protection for an apparatus claim or a method claim. Claims 1-3 are apparatus claims drawn to a recording apparatus. It appears that claim 7 is dependent from one of claims 1-3, which means that it would inherently comprise the same preamble and be drawn to the same invention.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of Fromm et al. (US 5,160,130).

Applicant's admitted prior art teaches a recording apparatus comprising removing means for removing a recording medium from the medium fixing member, a thin film toner sheet, said recording medium being fixed to a medium fixing member such that an active surface of the recording medium is facing to the medium fixing member, the removing means having a removing claw, the removing claw having a rectangular cross section with a height reduced toward a tip (specification pgs. 1-10, figures 2, 3, 4, 5, 7).

With respect to claim 7, AAPA teaches a recording method comprising the steps of fixing an image receiving sheet onto the medium fixing member, said image receiving sheet having an image receiving layer to receive an image of a recorded image, fixing the toner sheet onto the image receiving sheet, and removing the toner sheet or the image sheet from the medium fixing member.

Applicant's admitted prior art does not teach an upper side of the rectangle being rounded and the rounded portion having a radius of curvature of  $r=1$  mm or more and an upper face of the tip having a face pressure of 1 Kpa or less received from the recording medium being removed.

Fromm teaches a recording apparatus with a removing claw having rounded ends 100.

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In view of the teachings of Fromm, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify AAPA to have the ends of the upper side of the rectangle be rounded, as sharp edges can be detrimental.

It also would have been obvious to modify AAPA to have the rounded portion having a radius of curvature of  $r=1$  mm or more and an upper face of the tip having a face pressure of 1 Kpa or less received from the recording medium being removed, as it is obvious to modify a particular feature of a device to a specific degree according to the particular device and operation at hand. For example it would be obvious to modify the radius of curvature of the rounded portion according to the overall size of the removing claw.

### ***Conclusion***


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D. Williams whose telephone number is (703) 305-3036. The examiner can normally be reached on Monday - Friday, 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-4399 for regular communications and (703) 872-9319 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

KDW  
June 28, 2002



ANDREW H. HIRSHFELD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800